

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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JOSEPH ZICKES, : CASE NO. 1:15-CV-1865  
: Plaintiff, :  
: vs. : OPINION & ORDER  
: [Resolving Doc. [50](#)]  
BRYAN SMITH et al., :  
: Defendants. :  
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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On July 12, 2016, Defendants Bryan Smith and Michael Carroll (“Defendants”) moved for an order compelling Plaintiff Zickes to produce certified records in response to discovery requests.<sup>1</sup> Defendants also moved for an order continuing the dispositive motion deadline.<sup>2</sup> On July 21, 2016, Plaintiff Zickes filed an opposition arguing that Defendants’ motion should be found moot given that Defendants filed motions for summary judgment on July 18, 2016.<sup>3</sup> Further, Plaintiff Zickes avers that he produced his entire Ohio Public Employees Retirement Systems records and that he does not have control over whether the documents are certified or not.<sup>4</sup>

Moreover, it appears that the retirement records would be mainly relevant in calculating potential damages, and are thus not as relevant for summary judgment purposes.<sup>5</sup> Given that Zickes turned over the entirety of his Ohio Public Employees Retirement Systems records and

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<sup>1</sup> Doc. [50](#).

<sup>2</sup> *Id.*

<sup>3</sup> Doc. [54](#).

<sup>4</sup> *Id.*

<sup>5</sup> In their motion, Defendants state, “His alleged damages include lost wages. Therefore, it was central to this suit that Defendants obtain Plaintiff’s certified records from the Ohio Public Employees Retirement System and his income statements early enough for use during Plaintiff’s deposition.” Doc. [50](#).

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that Defendants then filed motions for summary judgment, this Court **DENIES as MOOT**

Defendants' motion to compel and for continuance.

IT IS SO ORDERED.

Dated: July 25, 2016

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE